

Atty. Docket No. 2003-0067-01
USSN 10/672,181

Remarks

In the Office Action, the specification has been objected to because the Abstract is too long and is unclear. Additionally, claims 2 and 18 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Also in the Office Action, claims 1, 3, 4, 17, 19 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hori et al 6,810,061 in view of Ujzdowski et al 6,654,403.

Also, the Examiner has indicated that claims 2 and 18 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph and to include all of the limitations of respective base claims 1 and 17.

In response to the Office Action, independent claim 1 has been amended to now include all of the limitations of dependent claim 2 and to overcome the rejections under 35 U.S.C. § 112, second paragraph. The Examiner has indicated that such a claim is allowable. Similarly, independent claim 17 has been amended to now include all of the limitations of dependent claim 18 and to overcome the rejections under 35 U.S.C. § 112, second paragraph. The Examiner has indicated that such a claim is allowable. Support for these amendments is found in Fig. 18. Dependent claims 2 and 18 have been cancelled and claims 4 and 20 have been amended to now depend from claims 1 and 17, respectively. Further, previously withdrawn 5-16 and 21-32 are hereby cancelled without prejudice or disclaimer of subject matter.

Also in this Amendment, new independent claim 33 and claims 34-36 which depend therefrom have been added. Claim 33 recites, *inter alia*, a gas discharge electrode comprising a copper and copper alloy electrode body having a conductive upper curved region containing the discharge footprint for the electrode comprising copper and a lower portion comprising a copper alloy. Support for the new claims is found in original claims 1-4 and in Fig. 18. Lastly, the abstract has been amended to overcome the Examiner's objections. Claims 1, 3, 4, 17, 19, 20 and 33-36 remain pending.

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Rejections under 35 U.S.C. § 112, Second Paragraph

In the Office Action, claims 2 and 18 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner has indicated that it is unclear which part of the electrode is the "facing portion". In response, amended claims 1 and 17 (which now include the term "facing portion" also now recite the term "wherein the electrode has a facing portion facing a discharge region."

With these amendments, Attorney for Applicant respectfully contends that the rejection under 35 U.S.C. § 112, second paragraph has been overcome and should be withdrawn.

Rejections under 35 U.S.C. § 103(a)

In the Office Action, claims 1, 3, 4, 17, 19 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hori et al 6,810,061 in view of Ujazdowski et al 6,654,403. Also, the Examiner has indicated that claims 2 and 18 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph and to include all of the limitations of respective base claims 1 and 17.

In response to the Office Action, independent claim 1 has been amended to now include all of the limitations of dependent claim 2 and independent claim 17 has been amended to now include all of the limitations of dependent claim 18. The Examiner has indicated that with these amendments, claims 1 and 17 would be allowable.

Also in this Amendment, new independent claim 33 and claims 34-36 which depend therefrom have been added. Claim 33 recites, *inter alia*, a gas discharge electrode comprising a copper and copper alloy electrode body having a *conductive* upper curved region containing the discharge footprint for the electrode comprising copper and a lower portion comprising a copper alloy. No such structure or cooperation of structure is either taught nor suggested by the cited references. Instead, Hori et al. discloses a scheme in which an electrode is coated with an insulating film (CaF) (see e.g., Column 19, lines 25-54).

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In view of the arguments presented above for distinguishing independent claims 1, 17 and 33 of the present invention from the cited references, Attorney for Applicant respectfully contends that independent claims 1, 17 and 33 are now allowable. Accordingly, since rejected claims 3, 4, 19, 20 and 34-36 respectively depend either directly or indirectly from independent claim 1, 17 or 33, these claims are also allowable. In conclusion, Applicant respectfully asserts that claims 1, 3, 4, 17, 19, 20 and 33-36 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at (858)-385-5298 for any reason that would advance the instant application to issue.

Respectfully submitted,


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May 23, 2005

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